

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Kenneth Delano

Case Number: 0980 2:08CR00058-RHW-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: October 23, 2008

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924

Original Sentence: Prison - 86 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: May 14, 2015

Defense Attorney: Meredith B. Esser

Date Supervision Expires: May 13, 2018

PETITIONING THE COURT

To issue a WARRANT and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/07/2015.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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	<u>Special Condition # 16:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Kenneth Delano violated conditions of his supervised release by consuming marijuana on or about August 7, 2015, and methamphetamine on or about August 23, 2015, contrary to special condition number 16 of his supervised release.

On August 7, 2015, Mr. Delano reported as directed to the vendor site for a random urine test. The sample showed a presumptive positive reading for marijuana. Subsequently, the above-referenced specimen was sent to the lab for confirmation. The sample was tested and returned as positive for marijuana on August 14, 2015, from Alere Toxicology.

On August 25, 2015, Mr. Delano reported as directed to the vendor site for a random urine test. He was confronted by the vendor after he attempted to dump urine from a bottle into the vendor's bottle used for testing. Mr. Delano became confrontational with the vendor and was asked to leave the facility. The undersigned officer contacted Mr. Delano regarding the above-referenced incident. He stated he used methamphetamine approximately 2 days prior.

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Re: Delano, Kenneth**August 26, 2015****Page 2**

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5	<p><u>Special Condition # 16:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.</p>
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Supporting Evidence: Kenneth Delano violated conditions of his supervised release by failing to comply and submit to urinalysis testing as directed on August 25, 2015.

Kenneth Delano reported to the vendor site to provide a urine test on August 25, 2015. He attempted to pour urine stored in what appeared to be a plastic bottle kept on his person into the vendor provided urine testing bottle. This was done in an attempt to circumvent the testing procedure. Mr. Delano was confronted regarding this behavior and became confrontational with the vendor. He was asked to leave the facility due to this behavior.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 8/26/2015

s/Patrick J. Dennis

Patrick J. Dennis
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

August 26, 2015

Date